

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

DONALD J. TRUMP FOR  
PRESIDENT, INC., REPUBLICAN  
NATIONAL COMMITTEE;  
NATIONAL REPUBLICAN  
SENATORIAL COMMITTEE;  
MONTANA REPUBLICAN STATE  
CENTRAL COMMITTEE,

Plaintiffs,

and

GREG HERTZ, in his official capacity  
as Speaker of the Montana House of  
Representatives; SCOTT SALES, in  
his official capacity as President of the  
Montana Senate, on behalf of the  
Majorities of the Montana House of  
Representatives and the Montana  
Senate,

Intervenor-  
Plaintiffs,

vs.

STEPHEN BULLOCK, in his official  
capacity as Governor of Montana;  
COREY STAPLETON, in his official  
capacity as Secretary of State of  
Montana,

Defendants,

and

CV 20-66-H-DLC

(Consolidated with Case No. CV-  
20-67-H-DLC)

ORDER

DSCC, DCCC, and MONTANA  
DEMOCRATIC PARTY,

Intervenor-  
Defendants.

Before the Court is Member-Plaintiffs' (CV 20-66-H-DLC) Motion to Supplement the Record on Standing (Doc. 109) and Governor Bullock's Motion to Strike (Doc. 107).

Intervenor-Plaintiffs have filed a Declaration of Greg Hertz in response to questioning by the Court at the September 22, 2020 hearing, for the purpose of developing the record on standing. (Doc. 106-1.) Governor Bullock argues this declaration should be stricken from the record. (*See generally* Docs. 107-8). Additionally, Member-Plaintiffs' (CV 20-66-H-DLC) seek to file an additional declaration providing evidence related to the question of their standing to prosecute this action. (Doc. 109.)

Standing is a critical issue in this dispute and remains relevant at all phases of the litigation until judgment is ultimately entered. *Hollingsworth v. Perry*, 570 U.S. 693, 705 (2013); *see also* Fed. R. Civ. P. 12(h)(3) ("If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action"). As such, the Court finds it improper to bar introduction of evidence related to standing at this phase of the case. But, to be clear, having deemed the

matter fully submitted, the Court will not entertain any further motions or declarations from the parties in this case.

Accordingly, IT IS ORDERED that Member-Plaintiffs' (CV 20-66-H-DLC) Motion to Supplement the Record on Standing (Doc. 109) is GRANTED.

IT IS FURTHER ORDERED that Governor Bullock's Motion to Strike (Doc. 107) is DENIED.

This matter is now fully submitted, and no further motions or declarations shall be permitted.

DATED this 25th day of September, 2020.



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Dana L. Christensen, District Judge  
United States District Court